

PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2000

Application or Docket Number

10557/199332

CLAIMS AS FILED - PART I

(Column 1) (Column 2)

TOTAL CLAIMS	181	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	181 minus 20 =	161
INDEPENDENT CLAIMS	8 minus 3 =	5
MULTIPLE DEPENDENT CLAIM PRESENT		<input type="checkbox"/>

\* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

4-14-05 (Column 1)

(Column 2) (Column 3)

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	182	Minus	181
Independent	9	Minus	8	= 1
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM		<input type="checkbox"/>		

SMALL ENTITY  
TYPE

OTHER THAN  
OR SMALL ENTITY

RATE	Fee	RATE	Fee
BASIC FEE	355.00	OR BASIC FEE	710.00
X\$ 9=		OR X\$18=	2838.
X40=		OR X80=	400.
+135=		OR +270=	0
TOTAL		OR TOTAL	4008.

OTHER THAN  
SMALL ENTITY OR SMALL ENTITY

RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
X\$ 9=		20	
OR X\$18=	50		
X40=		200	
OR X80=	200		
+135=		OR +270=	
TOTAL ADDIT. FEE		OR TOTAL ADDIT. FEE	250

(Column 1)

(Column 2) (Column 3)

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	1	Minus	0
Independent	0	Minus	0	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM		<input type="checkbox"/>		

RATE ADDITIONAL FEE

RATE ADDITIONAL FEE

(Column 1)

(Column 2) (Column 3)

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	0	Minus	0
Independent	0	Minus	0	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM		<input type="checkbox"/>		

RATE ADDITIONAL FEE

RATE ADDITIONAL FEE

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Patents

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICANTS: Brian W. McKinnon

APR 14 2005

SERIAL NO.: 09/808,228 GROUP ART UNIT: 3738

FILED: March 14, 2001 EXAMINER: Barrett, Thomas C.

FOR: VARIABLE GEOMETRY RIM SURFACE ACETABULAR  
SHELL LINERATTORNEY DOCKET NO.: 10557/199332  
DATE: April 14, 2005

## CERTIFICATE OF MAILING

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

I hereby certify that this document, together with any document referred to as enclosed or attached, is being forwarded to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313, via facsimile number (703) 872-9306 on this 14th day of April, 2005.

*Sandee Whitley*  
Sandee Whitley

## AMENDMENT AND RESPONSE

Sir:

In response to the Office Action of December 14, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 35 of this paper.

ATL0001 104615.1

PAGE 343 \* RCVD AT 4/14/2005 2:16:48 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF/14 \* DNI:8729306 \* CSID:404 815 6555 \* DURATION (mm:ss):11:32

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4/13/2005 2:16:48 PM [Eastern Daylight Time] 00008226*W FCS*

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#### IV. 35 USC § 103

The Examiner has also rejected claims 102, 122 and 125 under 35 U.S.C. § 103(a) as being unpatentable over the S&N reference discussed above. The Examiner's position is that the reference discloses a prosthetic device comprising an acetabular shell and an acetabular liner medially shifted (Fig. 4), but that it fails to disclose the liner shifted medially specifically up to 8 mm. Because claim 102 is not anticipated or rendered obvious by this S&N reference, any claim depending therefrom should also be considered patentable for at least the above-discussed reasons. Accordingly, this rejection should be withdrawn.

#### CONCLUSION

For at least the above reasons, Applicant respectfully requests allowance of claims 102-110, 116-130, 135, 138-139, 143, and new claim 182 and issuance of a patent containing these claims in due course. If there remain any additional issues to be addressed, the Examiner is urged to contact the undersigned attorney at 404.815.6147.

Respectfully submitted,

Kristin Crall  
Kristin M. Crall  
Reg. No. 46,895

KILPATRICK STOCKTON LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia, 30309-4530  
404.815.6147

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**PETITION FOR EXTENSION OF TIME**

Pursuant to 37 C.F.R. 1.136(a), Applicant herewith petitions that the period for response to the Office Action dated December 14, 2004, in connection with the above-identified application be extended for one (1) month, to and including April 14, 2005. A credit card authorization for the fee for this petition is attached. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Order Account No. 11-0855.

Respectfully submitted,

*Kristin Crall*  
Kristin M. Crall  
Reg. No. 46,895

KILPATRICK STOCKTON LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia, 30309-4530  
404.815.6147

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